

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA,
Plaintiff,

v.

PHILIP MORRIS INCORPORATED,
et al.,

Defendants.

Civil Action No. 99-CV-02496 (GK)

Next Scheduled Court
Appearance: July 18, 2002

**LORILLARD TOBACCO COMPANY'S RESPONSES
TO THE UNITED STATES' FIRST SET OF REQUESTS FOR ADMISSION
TO ALL DEFENDANTS, AMENDED PURSUANT TO ORDER #119**

Lorillard Tobacco Company ("Lorillard") responds to the United States' First Set of Requests for Admission to All Defendants, amended pursuant to Order #119 ("Requests") as follows:

DEFINED OBJECTIONS

The Defined Objections are set forth below to avoid restating objections to Plaintiff's Requests and, as appropriate, are specifically incorporated into Lorillard's responses to Plaintiff's Requests. The underlined heading of each Defined Objection is provided only for ease of reference, is not intended to define or limit the scope of the Defined Objection, and is not to be considered a substantive part of the Defined Objection.

A. Unreasonable Time: Lorillard objects to these Requests as overly broad and unduly burdensome to the extent they request information for an unreasonably long period of time or an unlimited period of time, up to and including the present, when no reasonable necessity is shown.

B. Publicly Available Documents: Lorillard objects to these Requests as unduly burdensome to the extent they seek information from publicly available documents. The burden of obtaining such information is substantially the same for Plaintiff as it is for Lorillard.

Except as expressly admitted, Lorillard denies this Request.

REQUEST NO. 148: Admit that you entered into an informal agreement with other defendants not to conduct in-house biological research and, instead, to jointly fund and control biological research through CTR. (PM, RJR, LL, BW, BAT, LGI)

RESPONSE: Lorillard incorporates by reference Defined Objections D ("Relevance"), E ("Reasonable Particularity"), and F ("Possession, Custody or Control"). Lorillard further objects to this Request because it must speculate as to the exact meaning Plaintiff places on the phrases "informal agreement" and "control biological research," which are subject to varying interpretations and are, therefore, vague and ambiguous.

Subject to and without waiving these or the Objections to Plaintiff's Instructions and Definitions stated above, Lorillard denies this Request.

REQUEST NO. 207: Admit that, during the 1970s, persons employed by you discussed the palladium cigarette with persons employed by Liggett. (PM, RJR, BW, BAT, LL)

RESPONSE: Lorillard incorporates by reference Defined Objections D ("Relevance"), and E ("Reasonable Particularity"). Lorillard further objects to this Request because it must speculate as to the exact meaning Plaintiff places on the phrase "the palladium cigarette," which is subject to varying interpretations and is, therefore, vague and ambiguous. Lorillard also objects to this Request on the grounds that it is unduly burdensome to the extent that it purports to require Lorillard to identify "discussions" of "persons employed by you," which could include hundreds of individuals currently and formerly employed by Lorillard.

Subject to and without waiving these or the Objections to Plaintiff's Instructions and Definitions stated above, Lorillard states that persons employed by Lorillard may have discussed "the palladium cigarette" with Vello Norman (a former Liggett employee) after he became an employee of Lorillard. Except as expressly admitted, Lorillard denies this Request.

REQUEST NO. 218: Admit that environmental tobacco smoke ("ETS") causes disease in some people. (PM, RJR, BW, BAT, LL)

RESPONSE: Lorillard incorporates by reference Defined Objections D ("Relevance"), and E ("Reasonable Particularity").

Subject to and without waiving these or the Objections to Plaintiff's Instructions and Definitions stated above, Lorillard states that no consistent statistically significant association and no cause and effect relationship have been demonstrated between surrogates for exposure to environmental tobacco smoke and disease in nonsmokers. Lorillard, therefore, denies this Request.

REQUEST NO. 219: Admit that you have never admitted that ETS has caused disease in a particular person or a particular group of persons. (PM, RJR, BW, BAT, LL)

RESPONSE: Lorillard incorporates by reference Defined Objections D ("Relevance"), and E ("Reasonable Particularity").

Subject to and without waiving this or the Objections to Plaintiff's Instructions and Definitions stated above, Lorillard incorporates its response to Request No. 218 set forth above.

REQUEST NO. 229: Admit that you funded CIAR Special Projects. (PM, RJR, BAT, BW, LL)

RESPONSE: Lorillard incorporates by reference Defined Objections D ("Relevance"), and E ("Reasonable Particularity"). Lorillard further objects to this Request because it must speculate as to the exact meaning Plaintiff places on the phrase "CIAR Special Projects," which is subject to varying interpretations and is, therefore, vague and ambiguous.

Subject to and without waiving these or the Objections to Plaintiff's Instructions and Definitions stated above, Lorillard states that it was a founding member of and provided funding to the Center for Indoor Air Research ("CIAR"), the purposes of which were to sponsor and otherwise encourage scientific research in the area of indoor air quality, including research focusing on environmental tobacco smoke, and to encourage appropriate public policy related to indoor air quality. Except as expressly admitted, Lorillard denies this Request.